CATEGORY "A"

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B EUR - Mr. Kohler

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MAINCY: Amelysis of Thompson-Gronyko Talks

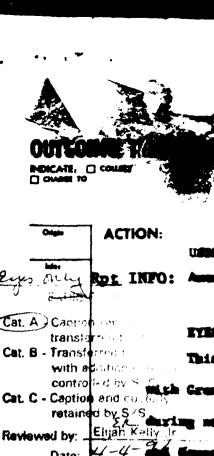
Attached are two copies of an analysis, which you requested, of the Soviet magotisting position in current Mescow talks on Berlin and Cornery.

Because this report is been on "eyes only" material, I am asking 6/8 to handle further distribution to: 8/8 -Mr. Bohlen, S/P - Mr. Bestov, GER - Mr. Eillesbrand, SOV -Mr. Outhrie, and the White House - Mr. Bundy.

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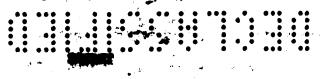
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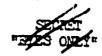
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The Seviet Foreign Minister began his discussion of January 12, 1962 with the U.S. Ambassador by putting forward a position known to be unacceptable to the Western Fowers. In this connection, he handed to the U.S. Ambassador the test of his opening statement together with the test of a proposed Statute of a Free Demilitarized City of West Berlin and the test of a proposed Frotocol of Guarantees on the Status of a Free Demilitarized City of West for Demilitarized City of Hest Berlin. The present manuscraftle is intended to record and emplify the opening manufact of the U.S. Additionalized in his meeting of (insert date) with the Seviet Foreign Ministers.

It would be well to eliminate one subject on which it is shellow from the extract that we musting of minds is pessible. The Seviet proposal for a single power transpratify they first Course Engine and the Federal Republic, or with the float Course Engine alone, is not acceptable to the Marvelle Marvelle, My hallows that any cotion which attempts formelly to language the Strikens of Courses hald be a serious mistake, were from the Indian to have to hald eather the half at the class from the propose section and do not the Marvelle Marvelle with allowing at the Course that a propose of the Course the Language at the Course the Seviet Marvelle of the Course the Course the Seviet the Course the Seviet Marvelle of the Course the Course the Course the Seviet Marvelle of the Course the Cours

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PSB-MM-62-11 January 26, 1962

THOMPSON-GROMYKO TALKS, JANUARY 12, 1962: ANALYSIS OF SOVIET POSITION

Soviet Position

The opening sentence of the "Declaration" presented by Gromyko stated that the USSR considers the Moscow talks a continuation of the recent series of bilateral US-Soviet contacts, apparently beginning with the Kennedy-Khrushchev meeting in Vienna. Indeed, the paper tabled by Gromyko constituted a formal elaboration of the Soviet "sub-maximum" position which evolved in the course of talks held since last September.

The Soviet "package" proposal, committed for the first time to paper, includes a "statute of a derilitarized free city" of West Berlin to be agreed to by an unstated number of parties; a "protocol on guarantees" for West Berlin's free city status to be signed (under one variant) by the four occupying powers; a "special agreement" (no document tabled) pertaining to the disposition of four-power military contingents in West Berlin; "appropriate agreements" (no documents tabled) between the "free city" and the GDR defining the conditions for civilian air and surface travel to the "free city"; and simultaneous "solution" of a number of "other problems," such as suitable formalization and consolidation of existing German frontiers; proper respect for the sovereignty of the GDR; a ban on the acquisition and production of nuclear weapons by the two German states; and a non-aggression treaty between NATO and Warsaw Pact members. The USSR would agree to underwrite West Berlin's "unhindered communications" by fixing the terms of those communications in the statute, provided that the statute could be appended to a subsequent separate peace treaty between the USSR (and other states) and the GDR.

With few exceptions, the components of the agreement on Berlin outlined by Granyko embodied maximum terms previously advanced, in particular, the "termination" of the occupation regime in West Berlin and its replacement by a demilitarized, neutral, free city; the retention of Allied troops in West Berlin on the condition they are "token contingents" and not occupation forces, they are joined by token Soviet contingents, and their presence is "temporary"; the regulation of civilian traffic, including air traffic, by agreements concluded with the GDR and respecting GDR sovereignty; and the

^{1.} The "protocol" tabled by the Soviets at the Geneva Foreign Ministers' Conference on June 1, 1959 pertained only to "guarantees" for West Berlin's free city status.



This document consists of 6 pages number 4 of 12 copies, Series &



prohibition in the free city of activities or propaganda "hostile" to any (i.e., the GDR) state. The only "concessions" specifically offered in the proposals tabled were the provision that the four powers would themselves control the movement of military shipments and personnel of their token contingents in West Berlin, and the apparent failure to demand that the GDR be a party to agreements signed by the three Western Allies.

Furthermore, Gromyko in effect dismissed or disputed all the points raised by Ambassador Thompson during their first meeting on January 2. Gromyko did so in more or less the same terms he had used in his talks last fall with President Kennedy and Secretary Rusk.

In contrast, however, to this surface rigidity, Gromyko was carefully noncategorical with respect to several key points, namely:

- (1) The international access authority. The declaration rejected a corridor errangement as creating a "ctate within a state." It did not however, reject the international authority idea but rather opposed "any agreement which would damage the GDR's sovereignty."
- (2) A "free city" of West Berlin. The declaration did not state that the USSR would accept nothing else but "free city" arrangement. It stated merely that "under existing conditions there is no better basis for agreement."
- (3) Soviet troops in West Berlin. The declaration specified merely that if Western troops remain, the "Soviet Union <u>ought</u> also to have analogous rights."
- (4) Recognition of the GDR. Gromyko avoided any mention of recognition, referring only to the need for "respect" for the GDR's sovereignty. Gromyko remained deliberately vague as to what this term means.

Gramyko's apparent lack of reaction to the allusion to West Berlin's integration in the FRG and FRG troops in West Berlin may prove significant. He was either unprepared for the point (and will therefore raise it at a later session) or is not adverse to steering the entire Berlin issue into a German context. In this connection his reference to West Berlin and the access routes being the property of "the German people" is a rather unusual allusion for a Soviet negotiator (and is already being reflected widely in the GDR's own propaganda line).



The Manufacture has refrained during the present discussions from putting forward the Mestern position in the all-German field because the continues to assume that the Seviets recognizes that no meeting of minds is possible on a peace treaty and that the Seviets and prepared to take this into account.

As to the Seviet free city proposal contained in the Seviet namerandom and attached dominants, it is surprising that this should hape
been proposed since it has so often been rejected by the West, They's, a
Anhesender will hand to the Seviet Normige Minister, along with the proposed
memorandum a paper setting South Normige proposeds on an appropriately,
arrangement for Berlin.

The professed Northern politics in that herite should be considered as a whole. It is thingston-out statumes to the tente fear-power agreements on herite that the Septemb Supply should be asterbay dust with only a part of throughts.

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make displate disposition of East Berlin regardless of the views of the Western Allies, they can claim to assert an interest in West Berlin. The Western Powers are being asked to discuss their interests while the Seviets claim immunity from any discussion of East Berlin or East Germany.

The Seviets seem to maintain that the Mestern Beaute must start from the assumption that emisting arrangements will and in Next Agrica and that, unless this is accepted, agreement is impossible. This imposses that the Mestern Beaute Mire up their profiter, while the Seviets maintain and improve the essentials of their particular. This is absorbly unasceptable. It cannot be represented with the Mester of metual respect of anisting positions. The Mestern Seress have more repetiated with the Seviet Salar or competing rights, but on the emperior and implementation of Mester Rights. They comput among that the impless for superioristic particular agrees that the impless

It is accomplished the forfill Analysis of the gradient process of the state of the

Mfrae city" only part of Berlin, This, despite verbal assurances, would represent a substantial repudiation of the position which the Western Powers have consistently maintained during memorous exchanges and discussions with the Soviet Government since Nevember, 1958. The Seviet proposel would apparently involve the abregation of Nostern rights which cannot in fact be abrogated in this way. Having attempted to dispose of Hast Berlin without Western concurrence, the Seviet Severagest opposes to be seeking a basin so which it could interfere in the affairs of that Berlin. This measured would deprive the Nest Berliners of the essential protection this m enjoy. It would deprive West Berlin of its necessary and legisle links with the Nest and weeld make its contacts with the rest of the world subject to the white of Min Rant Commer. There can be no question but that the people of that herite essees the esseept of a Firm city." If there is any doubt to any one who we this point, the lies property supervised pichicates/1924 in to diffic it annual to astabilist an imbaji Annies a violin, independent vity, but this for a postdop of this subject

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is obligatly the critical point at issue, would be the means of assuring free access to and from West Berlin. The rather shetract Seviet approach can lead nowhere because the positions and principles of the two sides are too far apart. If, as the Foreign Minister has himself at times suggested, a more practical approach is tried, it is clear that the question of access is the most important and embraces various issues to which the Seviet Government attaches importance (s.g. Acceptet for GBR severeignty?). In this connection, the put formers the suggestion for an International Account Authoritys, That Seriet Foreign Minister has said this is inconsistant with the "Apoptaeignty of the GM." Perhaps there is some element of misunderstanding hare. The Seriet Covernment appeats be everlooking the following basic factaty:

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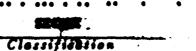
treaty between the Soviet Union and East Germany can, therefore, terminate the occupation rights of the Western Powers. The question may further be asked why, if the Soviet Union has in mind an agreement with respect to the Western position in West Berlin, so much importance is attached to the distinction between such an agreement and occupation rights. The conclusion might be drawn that this is because the Soviets believes that, in some way, the rights under such an agreement would be less supposed, based than occupation rights. It is the substantial agreement therefore, that since the Soviets under such as agreement would be less supposed, based than occupation rights. It is the Mestern Bowers are not produced to the Soviets understand that the Mestern Bowers are not produced to abandon their rights in, and accept to, Nest Berlin, differently,

The Seviet Value has frequently used the separate Proposed for the severeignty of the Policy which spade to be distilled. In this connection, on Japaney 2 the Seviet Pinnigs Riminter took exception to that was entd regarding do two self-figures and de Spatty severeigness of these Semeny by elaborate superiors of the extension of certain equatries with the shiptings. Similarly, the Seviet Pennigs.

His extend fact the Fift has already recognized for superiors that while the Seviet Policy.

of the basis of these rights is unnecessary and need not cause difficul-

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the existence of East Germany, as indeed they do not. Since the Seviet Foreign Minister and Chairman Khrushchev have emphasized the factual situation, no problem should arise from the insbility of the Mantern Powers to accord some kind of formed do jume or do facto recognition which would go beyond that factual situation. On "respect for the severeignty of the GBM" as it relates to Berlin access, it is understood that the Seviets wish to ensure that access rights do not in fact interfere with authority or life in Mant General. This areates no publicusface with authority or life in Mant General. This areates no publicusface with Manters Powers because they do not wish so to interferent what is required in access which is not interfered with by Mant Germany. There are numerous cases in which means of transit across territory or through air space are used without any interference in the effects of the territory transited. It would be unafed to accept as a point of departure the example that generates accept would not interference with franches of Mantes and Mantes

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Foreign Minister seemed to understand that the Mestern Fowers could not recognize the se-called "GDR" either do jury or do facto. He also seemed to recognize, therefore, that the basic arrangement must be between the Soviets and the Mestern Fowers and not between the latter and the "GDR". The Secretary of State, however, stressed that the Mestern Fowers have certain vital interests in Berlin which must be respected. On the other hand, the Seviet Foreign Minister placed emphasis on the ending of the occupation and the creation of a new status in Berlin. The quantion maturally arose whether against the background of these substantive positions any acceptable arrangement could be reached.

As noted previously, a key point in the present centent is the question of Berlin access. This is the point at which danger some to threaten and on which unilsternal action by one side could have far-reaching results.

The Seviet Congruence Widney to introduce some changes in the present position with English to determ. In congruent to the Seviet request, the market is appeared to a determined proposition.

Naturally the species must not look to a determination in the Seviet for the Seviet Water State Seviet With the Seviet State Seviet With

It should the motor that the International Access Authority would not

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first talk described as consistent with East German "sovereignty",
namely, that agreement between the four occupying powers should subrespected
sequently be management by East Germany in an arrangement between it and
the Soviet Union. The Access Authority would provide a solution to
the problem which would be compatible with the interests of all pertian
concerned and remove a standing source of dispute between them. It need
be no maps inconsistent with "sovereignty" then any interestional
transit arrangement such as these satesbilished under the Mestreux

Convention or overflight provisions of the International May Service
Agreement are with the "sovereignty" of the areas concerned. There is
attached a paper summarizing the convent of an International Access
Authority. If the Series of the Series of the American feether, the Medican

The Berton has all places be deposed to confirm theters exception rights is not being recently and the section of the situation; but the flatters Property of the situation; of the focus is Booking the section and the situation; of the section forces in Booking the section out out of the section involved; if it is easily to deal with any qualitum involved; overriding today to dealisting a callision over Berlin; then it is only

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reasonable to expect that both sides will be willing to concentrate on those areas where at least some working arrangement might be possible.

To avoid any misunderstanding, the following needs to be understood concerning the Western sectors of Berlin. These sectors are an area in which supreme authority continues to be exercised by the three Western Powers. The relationship which has grown up between the Federal Republic and Berlin in various areas of activity has been on a permissive basis subject to this authority. While the Constitution of the Sougeti-Republic provides that West Berlin is a Land of the Federal Republic, by virtue of suspension of the portioent articles of the Norm Benie Law in 2949 this portion of the Constitution is inequality in Berlin, One of the effects of the termination of the Western occupation would appearatically be to glob the suspension of these articles of the Root Racis Law referred to above. The legisal-suspense for the Seriet uniletypel action directed toward incorporation of East Review Seat Communy would have been incorporation of Mint Morlin into this Myleral Republic. Honover, the no pulling from taking this artist business it would himment of a metality analyteble arrangement

as agreement number for Salj enceptance of its position. This is

inampetible

A systematic effort must be used to find points on which there is some possibility of progress. The situation is undoubtedly a serious one. The question is whether a basis can be found for negotiations in the usual sense, or in event of serious and continuing disagreement, whether the factual situation can be handled without a war which would be devastating to both sides.

With reference to the Soviet emphasis on the necessity of discussing so-called "making questions," the United States Asbassader would like to observe that every subject can obviously not be discussed simultaneously. Initial emphasis has been placed on Berlin access for the reasons instructed. The United States will be prepared to discuss other subjects, but what it would be prepared to may on them will depend to a great extent on the reasonsblemens of the Seviet position on Berlin.

It is hoped that the finder Government will give eareful consideration to the december presented berevith, that it will reflect upon the situation the passition is creating, and that further discussions will reflect stops appropriately the importance of the arguments which have been transfer of the arguments.

Bee